

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:18 CR 139 RWS
)	
WILLIAM DOUGLAS HANING,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motions to change venue and for orders expunging and releasing lis pendens. [18, 32, and 33]. The Court referred this matter to United States Magistrate Judge Nannette A. Baker for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On July 31, 2018, Judge Baker filed her Report and Recommendation that defendant's motions for orders expunging and releasing lis pendens be denied. [47].

After Judge Baker issued her Report and Recommendation, the property at issue in the motions was apparently foreclosed upon and is now allegedly owned by the mortgagee bank. As a result, plaintiff contends the motions should be denied as moot. Defendant has not filed a response to the government's argument or

withdrawn his motions. To afford the parties and Judge Baker adequate opportunity to develop and consider these new factual and legal arguments, the Court will re-refer these two motions [32, 33] to Judge Baker for a supplemental Report and Recommendation as to whether they are now mooted by the foreclosure of the property.

As for the motion for change of venue, on August 6, 2018, Judge Baker filed her Report and Recommendation that the motion be denied. [48]. Defendant filed objections to the Report and Recommendation, and this Court has conducted a de novo review of all matters relative to defendant's motion and objections. After careful consideration, I will adopt and sustain Judge Baker's thorough Report and Recommendation in its entirety and deny the motion for change of venue. I agree with Judge Baker's analysis that defendant has not met his burden of showing that this matter should be transferred for trial to the Northern District of Texas. For the reasons set out in the Report and Recommendation, defendant's objections [55] to Judge Baker's recommendations are overruled, and the motion for change of venue will be denied.

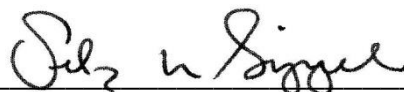
Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on August 6, 2018 [48] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that defendant's objections to the Report and Recommendation [55] are overruled.

IT IS FURTHER ORDERED that defendant's motion to change venue or transfer case [18] is denied.

IT IS FURTHER ORDERED that defendant's Motion for Court Order Releasing Lis Pendens [32] and Motion to Expunge Lis Pendens [33] are re-referred to United States Magistrate Judge Nannette A. Baker for a Supplemental Report and Recommendation under 28 U.S.C. § 636(b) as to whether these motions are mooted for the reasons set forth above.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of August, 2018.